

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHANE McALLISTER,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 12-cv-10409

HONORABLE STEPHEN J. MURPHY, III

ORDER ADOPTING REPORT AND RECOMMENDATION (docket no. 17), **GRANTING
IN PART PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT** (docket no. 10),
DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (docket no. 15),
AND REMANDING THE DECISION OF THE COMMISSIONER

This matter is before the Court on review of the Commissioner of Social Security's decision denying Plaintiff Shane McAllister's application for supplemental security income. Both parties filed motions for summary judgment, and the matter was referred to a magistrate judge for issuance of a Report and Recommendation. The magistrate judge recommends that the Court grant in part McAllister's motion for summary judgment, deny the Commissioner's motion for summary judgment, and remand the decision of the Commissioner pursuant to 42 U.S.C. § 405(g). Report & Recommendation, ECF No. 17.

A copy of the Report and Recommendation was served upon the parties on January 8, 2013. Pursuant to Civil Rule 72(b)(2), each party had fourteen days from the date of service in which to file any specific written objections to the recommended disposition. Neither party has filed any objections, therefore de novo review of the magistrate judge's finding is not required. See Fed. R. Civ. P. 72(b)(3) (requiring de novo review by a district

judge only for "any part of the magistrate judge's disposition that has been properly objected to").

Having reviewed the file and the Report and Recommendation, the Court finds that the magistrate judge's analysis is proper. Accordingly, the Court adopts the Report's findings and conclusions, and will enter an appropriate judgment.

WHEREFORE it is hereby **ORDERED** that the Report and Recommendation of January 8, 2013 (docket no. 17) is **ADOPTED**.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment (docket no. 15) is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment (docket no. 10) is **GRANTED IN PART** consistent with the terms of this Order and the Report and Recommendation.

IT IS FURTHER ORDERED that pursuant to 42 U.S.C. § 405(g), the decision of the Commissioner is **REMANDED**.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: January 31, 2013

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 31, 2013 by electronic and/or ordinary mail.

Carol Cohron
Case Manager